

Notice of Allowability

Application No.

09/560,386

Applicant(s)

BROWN ET AL.

Examiner

Art Unit

Maria N. Von Buhr

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed on 01 February 2005.
2. ☒ The allowed claim(s) is/are 1-30, 32-62, 64-87 and 96-102 (renumbered as 1-91).
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



Maria N. Von Buhr
Primary Patent Examiner
Art Unit: 2125

EXAMINER'S AMENDMENT

~~AUG/05/2004 THU 04:05 PM DILLON & YODELL, LLP FAX No. 5123436446 P 004~~

AMENDMENTS IN THE SPECIFICATION

Please amend the paragraph beginning on page 14, line 6 with the following:

Recipe database 63 advantageously includes multiple recipes that have been retrieved by a user. For example, a user may request a particular recipe when dining at a friend's house and the recipe is retrieved from the friend's electronic cookbook into recipe database 63 of data storage medium 60. In another example, a user may download recipes from a web site into recipes database 63. Moreover, in ordering from an electronic menu at a restaurant, as described in U.S. Patent Application Serial No. ~~[[/]]~~ ^{6,618,062} ~~09/465,999~~ (Attorney Docket No. AUS990845US1), herein incorporated by reference, a user may receive recipes for food items ordered from the restaurant at recipe database 63. For example, an individual may order a chocolate pie at a restaurant and receive a transmission from the restaurant server to data storage medium 60 that includes a recipe for the chocolate pie.

Please amend the paragraph beginning on page 14, line 25 with the following:

Medication usage database 64 advantageously includes a list of each medication being taken by a user or users. In addition, a medication summary provided by the manufacturer that includes data such as a schedule for taking the medication, possible side effects and food/drug conflicts, is preferably included. Medication usage may include prescription medications, over-the-counter medications and vitamins or nutritional supplements. Medication usage database 64 may be determined, for example, by the method, system and program disclosed in U.S. Patent Application Serial No. ~~[[/]]~~ ^{6,618,062} ~~09/560,392~~ (Attorney Docket No. AUS000028US1), herein incorporated by reference.

Please amend the paragraph beginning on page 15, line 6 with the following:

Food intake database 66 preferably includes a recording of each food item consumed by a user over a period of time. In addition, a dietary breakdown of each food item that includes the serving size, ingredients and dietary facts is preferably included. Food intake may include multiple types of consumable items, including drinks. Food intake database 66 may be determined, for example, by the method, system and program disclosed in U.S. Patent Application Serial No. ~~[[/]]~~ ^{6,618,062} ~~09/465,999~~ (Attorney Docket No. AUS990845US1), herein incorporated by reference, where the food is ordered and purchased from a particular food

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service or restaurant venue. In addition, food intake database 66 may be determined, for example, by the method, system and program for the present invention, where the food is prepared in a particular home base according to a meal plan determined by an electronic cookbook.

Please amend the paragraph beginning on page 15, line 25 with the following:

Exercise performance database 68 advantageously includes a recording of fitness activity for a user or users. In addition, cumulative fitness activity for a user or users over a specific period of time is preferably included in exercise performance database 68. Fitness activity may include, for example, exercise directed and measured by an exercise machine and exercise performed independent of an exercise machine. Exercise performance database 68 may be determined, for example, by the method, system and program disclosed in U.S. Patent ~~Application Serial No. [[]/]]~~ ^{6,748,371} ~~09/561,115~~ (Attorney Docket No. AUS990882US1), U.S. Patent Application Serial No. ^{now abandoned,} ~~[[]/]]~~ ^{09/561,130} (Attorney Docket No. AUS000024US1), and/or U.S. Patent ~~Application Serial No. [[]/]]~~ ^{6,601,016} (Attorney Docket No. AUS000025US1), each herein incorporated by reference.

Please amend the paragraph beginning on page 16, line 10 with the following:

Environment exposure database 70 preferably includes a recording of the environment exposure of a user or users over a period of time. Environment exposure may include indicators such as temperature, humidity, air purity, wind levels and other environment indicators. Environment exposure may be recorded for both indoor and outdoor environments. Environment exposure database 70 may be determined, for example, by the method, system and program disclosed in a U.S. Patent ~~Application Serial No. [[]/]]~~ ^{6,604,023} (Attorney Docket No. AUS000020US1), U.S. Patent ~~Application Serial No. [[]/]]~~ ^{6,622,115} (Attorney Docket No. AUS000026US1), and/or U.S. Patent ~~Application Serial No. [[]/]]~~ ^{6,636,808} ~~09/560,161~~ (Attorney Docket No. AUS000027US1), each herein incorporated by reference.

Please amend the paragraph beginning on page 18, line 27 with the following:

Kitchen supplies database 42 preferably includes a recording of the kitchen supplies available in a kitchen of a particular residence. Kitchen supplies may include, but are not limited

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to including, appliances, dishware, silverware, cookware, cooking utensils and bakeware. In addition, a food supplies database 44 preferably includes a recording of the food supplies available in a kitchen of a particular residence. Food supplies may include store-bought food items and home-grown food items. Both kitchen supplies database 42 and food supplies database 44 may be monitored by an electronic storage management system described in U.S. Patent Application Serial No. [[/]] 09/560,320 (Attorney Docket No. AUS000052US1), herein incorporated by reference.

Please amend the paragraph beginning on page 19, line 24 with the following:

In addition scheduler 50 may include a predetermined meal plan and scheduling of when particular ingredients need to be purchased, prepared and cooked for the meal plan. For example, if a meal plan on Sunday includes fish, scheduler 50 may include a reminder to purchase the fish that day. In particular, scheduler 50 is enabled to transmit a list of all necessary food and kitchen supplies to the electronic storage management system that compares the necessary supplies with current inventory to determine necessary inventory purchases. The necessary inventory purchases are advantageously searched for among multiple on-line retailers in order to determine a recommended electronic shopping list for making purchases from at least one on-line retailer as described in U.S. Patent Application Serial No. [[/]] 6,430,541 (Attorney Docket No. AUS000041US1), herein incorporated by reference.

Please amend the paragraph beginning on page 20, line 10 with the following:

In another example, if a Monday dinner includes chicken that is currently frozen, a reminder to take the chicken out to thaw that morning may be included as a scheduled event. In addition, a schedule event may be utilized to determine a control signal for defrosting the chicken by a freezer that is controlled according to planned cooking events as determined by the method, system and program described in U.S. Patent Application Serial No. [[/]] 09/560,320 (Attorney Docket No. AUS000052US1), herein incorporated by reference.

Please amend the paragraph beginning on page 26, line 19 with the following:

Meal plan analyzer 52 preferably also compares available budget constraints in kitchen budget 56 with electronic recipes database 54 in order to designate meal plans that can be made within the available budget constraints. For example, if a family of four has budgeted \$20 for

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three days of dinners, meal plans which include recipes that utilize low priced ingredients and result in a large amount of servings would be designated. In addition, if a significant number of recipes could be made by the user and would meet budget constraints if the kitchen included a large stock pot and kitchen budget 56 includes resources for purchasing that stock pot, meal plan analyzer 52 might suggest purchasing the stock pot and show examples of meal plans that utilize the stock pot. Meal plan analyzer 52 may further access multiple web pages that provide stock pots for purchase, retrieve the prices provided on the web page and make recommendations for on-line ordering. Moreover, the stock pot may be added to an electronic shopping manager or consumer preference manager, as described in U.S. Patent Application Serial No. [[]/]] 09/560,320 (Attorney Docket No. AUS000052US1) and U.S. Patent Application Serial No. [[]/]] 09/560,392 (Attorney Docket No. AUS000029US1), each herein incorporated by reference, such that the user is notified within a particular proximity of a store that provides a stock pot within the budgeting constraints of the user.

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